

This listing of claims replaces all prior versions, and listings, of claims in this application.

**Listing of Claims:**

1. (Currently Amended) A bone staple for use in the method of claim 4, for correcting bone deficiencies by controlling the growth of the epiphyseal plate, the staple comprising:

a shape memory material body comprising a cross bar and at least two legs extending from the cross bar and normally diverging from each other, wherein the legs define spring legs tending to expand apart from each other when subject to a compression force, whereby when the staple is introduced into a bone with each leg at each side of the epiphyseal plate under a compression force bringing the legs to be closer than in a normal position the legs exert a expansion force for lengthening the epiphyseal plate while the cross bar keeps a normal length thereof forming a tether for a periphery of the epiphyseal plate, thus causing the epiphyseal plate to grow growth around a focus.

2. (Original) The staple of claim 1, wherein each leg normally defines an angle of between about 91° to about 180° degrees relative to the cross bar.

3. (Currently Amended) The staple of claim 1, wherein the shape memory material staple body is made of nitinol.

4. (Currently Amended) A method for installing ~~the a~~ staple of claim 1 into a bone, for correcting bone deficiencies by controlling the growth of the epiphyseal plate, the method comprising:

i. providing said staple a staple comprising a shape memory material body comprising a cross bar and at least two legs extending from the cross bar and with the legs normally diverging from each other, wherein the legs define spring legs tending to expand apart from each other when subject to a compression force;

ii. applying a compression force to the legs and bringing the legs into a substantially parallel position; [[,]] and

iii. nailing the staple into the bone with at least one leg nailed at each side of the epiphyseal plate, ~~whereby the staple will be retained into the bone with the legs exerting an expansion force over the epiphyseal plate while the cross bar will exert a suppression effect on the periphery of the epiphyseal plate. whereby the legs exert a expansion force into the bone for lengthening the epiphyseal plate while the cross bar keeps a normal length thereof forming a tether for a periphery of the epiphyseal plate, thus causing the epiphyseal plate to grow around a focus.~~

5. (Original) The method of claim 4, wherein the step of nailing comprises:  
drilling orifices in the bone for receiving the legs of the staple.

6. (Original) The method of claim 4, wherein the step of nailing comprises:  
nailing the staple directly into the bone by hammering the staple on the bone.

7-20. (Cancelled)

21. (Original) The staple of claim 1, further comprising retaining means at each side of the cross bar, the retaining means being defined by at least one ear for receiving fastening means.

22. (New) The method of claim 4, wherein the staple is made of nitinol and the step of bringing the legs into a substantially parallel position further comprises cooling the staple at a temperature low enough to move the legs to a desired position.